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Committee on the Elimination of Discrimination against Women
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Summary record of the 1575th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 21 February 2018, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Chile (*continued*) (CEDAW/C/CHL/7; CEDAW/C/CHL/Q/7 and CEDAW/C/CHL/7/Add.1)

1. *At the invitation of the Chair, the delegation of Chile took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Mr. Álvarez Alarcón** (Chile), clarifying a response that he had provided at the previous meeting, said that although no organizations currently being prosecuted for money-laundering were under investigation for their possible role in trafficking in persons, there were a number of special agencies whose mission was to combat trafficking in persons and such offences were treated with the utmost gravity.

3. **Ms. Grau** (Chile) said that persons involved in human trafficking could theoretically be prosecuted for trafficking under the country's anti-money-laundering laws even though that possibility had not been utilized to date.

Articles 10 to 14

4. **Ms. Acosta Vargas**, welcoming a number of positive developments in connection with education in the State party, said that she wished to know whether the protocol for dealing with student pregnancy and motherhood and handling complaints of violations of sexual orientation- or gender identity-related rights and any other type of gender-based ill-treatment occurring in schools had been formally established and, if so, whether it applied to all the country's schools. She wondered what educational policies had been put in place to encourage girls and women to study subjects traditionally preferred by boys and men and whether stereotypes about girls and women had been eliminated from school textbooks. In addition, she would like to know why, as acknowledged in the State party's periodic report, indigenous women and girls, including those with disabilities, were not always able to fully enjoy their right to education.

5. **Ms. Arocha Domínguez** said that she would welcome more information on the authorities' plans to combat the occupational segregation whereby Chilean women, despite being well educated, tended to predominate in sectors of the economy where jobs were less prestigious and not as well paid. She wished to know whether efforts to promote shared responsibility for childcare and the reconciliation of home life and paid work were accompanied by a system of support services that would increase the chances of those efforts' succeeding. In that connection, she would welcome an indication of the measures the State party intended to take to help men and women strike a proper work-life balance. In many cases, the measures taken by States parties for that purpose, such as offering more possibilities for part-time work — an offer taken up largely by women, were less than optimal.

6. The State party's acknowledgement of the gender pay gap was commendable. It would be interesting to know, however, why progress towards the adoption of bills to ensure equal pay for equal work appeared to have stalled. She wondered why Act No. 20.786, on the conditions of work of domestic workers, had been adopted before the country had ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and whether that Act had included provisions bringing domestic workers into the country's social security system. She also wondered whether domestic workers, many of whom were migrants from other countries or the countryside, were given training opportunities. In addition, she wished to know whether alternative childcare services were provided to relieve girls from lower-income families of the burden of caring for their younger siblings.

7. **Ms. Chalal** said that the State party was to be commended for a number of positive developments with regard to women's health, in particular the adoption of Act No. 21.030,

which had decriminalized abortion in certain circumstances. She wished to know, however, what measures were planned to ensure that the provisions of the Act that, for example, allowed health-care personnel to object to performing an abortion on grounds of conscience did not prevent girls and women from having abortions to which they were legally entitled. She also wished to know whether plans had been made to establish a mechanism to ensure that any person who refused to perform an abortion did so on legitimate grounds of conscience and whether there were any penalties for refusal on specious grounds. In addition, she wondered whether the regulations implementing the Act could be amended to clarify the ambiguities that, according to reports, some clinics had used as a pretext not to provide abortion services. It would also be interesting to know whether the State party intended to amend the Act to decriminalize abortion in cases of pregnancy resulting from incest and in the event of a risk to the mother's health that was not life-threatening.

8. She would welcome an overview as to the extent to which women in Chile, including indigenous and rural women, could exercise their sexual and reproductive rights. She would also welcome an indication of the steps the State party intended to take to ensure that surgical sterilizations could not be performed without the free, prior and informed consent of the woman concerned. In that connection, she wondered whether reversing decisions to deprive women and girls with disabilities of their legal capacity could help put an end to the ongoing practice of sterilizing them without their consent. Lastly, she would appreciate an update on the current status of the planned decree on family planning and contraception services and on the bill to prohibit irreversible methods of contraception.

9. **Ms. Vega Vallejos** (Chile) said that the protocol about which Ms. Acosta Vargas had enquired applied throughout the country. The Ministry of Education had developed tools to identify sexist stereotypes, including in textbooks and teaching practices. Once the evidence of those stereotypes was studied, the findings would inform the development of curricula for both in-service initial teacher training. A number of actions, including the launch of the "Suma y Sigue" (Carry forward) programme, which helped teachers interest girls in mathematics, had been taken to increase the number of girls choosing to study the sciences, mathematics and technical subjects. Ministry officials had also made efforts to raise awareness of the ways that, from an early age, a child's sex often determined his or her educational path.

10. **Ms. Díaz Martínez** (Chile) said that measures adopted to ensure that indigenous girls and women had full access to education had born fruit. In recent years, for example, the percentage of indigenous persons who could not read or write had fallen to less than 5 per cent, the average number of years that indigenous adults had spent in school had increased and the percentage of indigenous heads of households over the age of 19 who had not completed secondary education had fallen.

11. In 2017, the majority of the participants in the Ministry of Education's "Aprendo Contigo" (Learning together) literacy programme had been women. Their average age had been 54. Leadership courses for indigenous women had been offered in 2016 and 2017 with support from the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean. Twenty-five Chilean women had attended the course in 2017, along with indigenous women from other countries in the region. There was also a scholarship programme specifically for indigenous students. Scholarships covered the costs of housing in special homes in a number of cities. Young indigenous women had accounted for a clear majority of the scholarship recipients in 2017. Traditional teachings were the province of some 1,200 educators, the majority of them women, and a secretariat for intercultural indigenous education had been established in 2014.

12. **Ms. Grau** (Chile) said that in the portfolios they were required to maintain for evaluation purposes, the country's teachers were expected to include an analysis of how their prejudices or biases could affect their classroom practices. Efforts had also been made to mainstream a gender perspective in teacher training programmes. An inter-institutional working group, tasked with encouraging girls and women to study science, technology, engineering and mathematics, had been set up in 2014.

13. **Ms. Krauss Valle** (Chile) said that increasing the participation of women in the Chilean workforce, and thus increasing the country's gross domestic product, had been a

priority of the current Government. In fact, the Government had committed to increasing women's workforce participation rate from the current 49 per cent to 60 per cent by 2030. A related target was to ensure that 45 per cent of women from households in the bottom income quintile were in decent employment by the same year. The country's governing institutions had put in place a variety of strategies with a view to achieving those targets.

14. Although the working conditions of domestic workers had sometimes been abusive in the past, the situation had improved. Discussions on the ratification of ILO Convention No. 189 and on amendments to the laws on the working conditions and status of domestic workers had taken place simultaneously. One of the amendments had made it illegal to require domestic workers to wear a uniform in public. More recently, the distinction that had been made between employees and workers for the purpose of health coverage had been abolished. Domestic workers thus had access to such coverage on an equal basis with other employees.

15. **Ms. Walker Echenique** (Chile) said that ensuring that parents shared responsibility for raising their children was a matter of considerable concern to the Government. According to survey results, women spent approximately twice as much time caring for their children as men did. A number of amendments to the Labour Code had therefore been made to promote shared responsibility. Act No. 20.761, for instance, had extended to working fathers the right, previously granted only to working mothers, to take up to an hour out of their workday to feed their children. Act No. 20.063, known as the SANNA Act, which had been adopted very recently, had created an insurance programme to enable mothers and fathers to take leaves of absence to care for seriously ill minor children.

16. In the public sector, a labour reform implemented in 2015 meant that, if one parent was a civil servant, childcare could be provided by either the father or the mother. Although general coverage of care had thus been broadened, such benefits were available to employees in the private sector only if their companies had more than 20 women on the payroll. The Work Security Institute had instituted a pilot programme aimed at identifying how to narrow the gender pay gap in the public sector, and a methodology had already been devised. A number of new standards should also have an impact along those lines. The latest labour reform, for instance, allowed trade unions to request and receive gender-disaggregated information on remuneration from employers. A bill was also currently under consideration that would enshrine the principle of equal pay for women and men and would hopefully introduce the concept of work of equal value, which, while addressed by the ILO Equal Remuneration Convention, 1951 (No. 100), was currently lacking in Chilean legislation. The bill would not only provide for equal remuneration; it would also establish the right of any woman to bring a case directly before the labour courts to seek a remedy. That would indeed be a step forward as, under the current legal structure, women were obliged to seek out remedies first within the company itself, and did not have the right to bring their claims to court until they had done so.

17. **Ms. Pascual Grau** (Chile) said that improving childcare services had been a goal of President Bachelet's Administration. The aim was to provide high-quality and continuous education for both boys and girls. By the end of the President's term, some 50,000 new places would be available in day-care centres and kindergartens. A subnational programme of support and care was currently implementing pilot programmes providing care for persons with disabilities and older persons that made it possible for the women previously providing such care to be replaced by professional caregivers, thus enabling them to pursue other activities, including, for instance, joining the labour market. In the long run, such an approach would free many members of households from the duties of personal care and other domestic work.

18. **Ms. Sepúlveda Sánchez** (Chile) said that pregnancy resulting from incest was covered by the same legal provisions as those addressing pregnancy resulting from rape. While the relevant articles of the Criminal Code made no distinction regarding the perpetrator of a rape, a family relationship between the rapist and the victim was considered an aggravating circumstance. Thus, no change was required in the legislation in order to ensure that pregnancies resulting from incest would be covered.

19. **Ms. Pascual Grau** (Chile) said that abortion had been decriminalized in certain situations, such as teen pregnancy, and that the Health Code had been amended to ensure that medical services could be provided whenever an abortion was requested. An interdisciplinary team composed of physicians, psychologists, assistants and social workers had the authority to approve specific requests. Abortions were authorized, for instance, when the life of the mother was endangered. Procedures provided for the gradual empowerment of girls, being different for children under the age of 14, for minors between the ages of 14 and 18 and for adults. When minors took emergency contraception, their parents or legal guardians must be informed. Pregnant girls under the age of 14 could request an abortion, but only with the consent of their parents or guardian. However, they had the right to appeal to the justice system if parental consent was refused or if there was suspicion of rape by a family member, or even the parent or guardian in question. In such cases, the child's decision would prevail over that of the guardian. The authorization of the parents or legal guardian was not required when pregnant girls between the ages of 14 and 18 requested an abortion, but they were informed of the procedure. By law, any instances of rape of a person under the age of 18 must be reported to the police. The legal provisions were already in force in the Criminal Code and in the Health Code. The Ministry of Health had recently issued regulations that provided, inter alia, for follow-up programmes to ensure that all relevant services were provided, including psychosocial services for women. Protocols were in place for conscientious objection on the part of medical staff, including provisions for replacing staff who refused to assist in abortion procedures.

20. **Ms. Arocha Domínguez** said that she would like to know whether labour inspectors had access to households and were able to check on the living and working conditions of domestic workers. The Committee would welcome information on the main types of complaints raised by domestic workers, and what channels could be used to file such complaints.

21. **Ms. Acosta Vargas** said that the Committee had received reports that intersex girls had been subjected to genital mutilation at hospital. Was such treatment exceptional or common practice?

22. **Ms. Krauss Valle** (Chile) said that the Labour Directorate was a decentralized public service body responsible for monitoring and guaranteeing workers' rights. The law on domestic workers included a mechanism to properly monitor working conditions and prevent precarious situations and an online register kept track of all contracts of employment in that sector. It was thus possible to follow up on the number and kind of labour contracts among domestic workers. Complaints could be lodged with the labour authorities. Over 2 per cent of the inspections carried out in 2017 had examined the situation of domestic workers in private households.

23. **Ms. Jaramillo Castell** (Chile) said that the Ministry of Health tried to ensure that surgery on intersex girls was not carried out arbitrarily and did not result in genital mutilation. There were currently two circulars in force relating to such surgery. The first, dating from 2015, specified that any surgical procedures on intersex boys and girls that involved irreversible genital mutilation could not be performed until the child was old enough to take a responsible decision. The second circular, dating from 2016, covered cases in which additional pathologies, such as cryptorchidism, could affect intersex children and have an influence on surgical procedures. Multidisciplinary teams, including paediatricians, paediatric urologists and gynaecologists, fertility experts, psychologists, social workers, radiologists and others, were required to assess the cases in question, and families took part in the decision-making process. Either the assessment team or the family might also request input from the hospital's ethics board. Surgery could be postponed until intersex children reached the age when they were able to take responsible decisions, or at least until the emergence of secondary sexual traits.

24. **Ms. Arocha Domínguez**, addressing articles 13 and 14, said that the concluding observations from 2012 had recommended that the procedure used to calculate pensions should be modified, as the system had placed women at a disadvantage. The State party report mentioned a number of review and reform initiatives under way and the Committee would appreciate a progress update on those initiatives.

25. The delegation should also elaborate on programmes aimed at fighting poverty among women, especially those living in vulnerable circumstances, and should describe the situations they faced. Had the Government decided to design specific programmes in the context of the 2030 Agenda for Sustainable Development to reduce disparities between men and women living in poverty? What steps had it taken to include women in high-performing economic sectors? The Committee would also like to receive information on what the State party was doing to ensure respect for indigenous and other rural communities in its management of natural resources, including respect for such communities' right to prior information and consultation and the requirement to seek their consent. Such efforts could be particularly effective in helping to prevent the kind of violent protests that had been mentioned during the previous meeting. She would also like to know how the State party ensured that women in rural and isolated areas were prepared to face natural disasters and emergencies.

26. Since the State party report provided no information on women's participation in sports, she wondered what steps the authorities had taken to encourage such participation as a means to improve both physical and mental health.

27. Although it provided general descriptions of programmes for indigenous women, the report lacked specific information on the situation of women in rural areas, encompassing both women who belonged to indigenous groups and women who did not, and a comparison with the situation of women in urban areas. In future reporting, the Committee would appreciate more specific information on the situation of women in rural areas, as they were vulnerable to cross-sectional discrimination. It was unclear whether the initiatives described by the State party to assist indigenous women in the fields of health, education and political participation were ad hoc, short-term programmes or part of a long-term policy. It would be interesting to know whether literacy programmes for indigenous women, which were mainly targeted at older persons, were followed up with continuous assistance to ensure that the beneficiaries did not lose their literacy skills and were thus empowered with knowledge.

28. The Committee would like to hear about the provisions made for the labour protection of rural workers on short-term contracts, many of whom were migrant women. As they were engaged in agricultural activities, they might be exposed to toxins or other dangerous substances. Did such workers have access to health assessments?

29. Information about the situation of women deprived of their liberty would also be helpful. The Committee had heard from the National Human Rights Institute that the regulations in force did not take into account the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), and the Committee had received information stating that, on average, women spent more time in pretrial detention than men, especially for offences such as drug trafficking. Lastly, she asked whether the use of broad interpretations of administrative provisions could be put to good use to counter hate crimes and minimize discrimination against women.

30. **Ms. Krauss Valle** (Chile) said that as at November 2017, some 1.4 million people, 62 per cent of whom were women, were beneficiaries of the basic solidarity pension system established in 2008 by President Bachelet's Administration. In August 2017, three bills had been presented to the National Congress that were designed to extend and strengthen the pension system by making it a private, contribution-based system, and elements of those proposals, which were particularly beneficial to women, were to be discussed at the next congressional session in March 2018. The proposal for the new system would include a bonus for women to take account of the differences in male and female life expectancy and to ensure equivalent pensions for equal contributory salaries. Another bill would strengthen gender equity, and the third would address the pension system applicable to the private sector, creating insurance schemes for situations specific to women in the world of work.

31. **Ms. Walker Echenique** (Chile) said that in January 2018 a bill had been submitted to the Congress that would change the status of seasonal and agricultural workers by improving their individual and collective rights and addressing questions of occupational health and safety. The bill would establish that it was the responsibility of employers in the

agricultural sector to explain any occupational risks to workers and to provide appropriate technical assistance and capacity-building to ensure the safe use of pesticides by workers.

32. **Mr. Álvarez Alarcón** (Chile) said that the national emergency and disaster risk reduction services had developed a national strategic plan for disaster risk management that included a gender perspective and placed particular emphasis on the situation in isolated areas. Disaster management activities included the distribution of personal hygiene kits that had been designed with a gender-based approach and were different for men, women and children. Risk management courses for civil servants operating at the local level also took gender perspectives into account. Gender was also taken into consideration in documentation drawn up by the national disaster management authorities, including its various guidelines, and was addressed in e-learning courses on the emergency management system.

33. **Ms. Pascual Grau** (Chile) said that, in 2014, the National Service for Women and Gender Equity had established guidelines with a gender perspective that regulated the management of shelters in disaster situations. Steps had also been taken to ensure the availability of mobile kindergartens that were specially adapted for disaster situations and emergencies.

34. In recent years, the Ministry of Public Works had held consultations with citizens, particularly those living in isolated, rural and indigenous communities, to ensure that they could voice their opinions and contribute to projects taking place in their areas.

35. A new national policy on physical activity and sport, with a focus on gender and inclusion, had been adopted for 2016–2025. In accordance with that policy, steps had been taken to establish an intersectoral programme to promote health and sport and a national plan for excellency in competitive sports. Some 48 per cent of those participating in the latter programme were women.

36. Women heads of household were given preferential access to a programme that subsidized families wishing to take holidays in different parts of the country. In 2016, over 59 per cent of the families participating in that programme had been headed by women.

37. **Ms. Díaz Martínez** (Chile) said that, according to the data generated by a survey carried out in 2015, the percentage of families, including indigenous families, whose income fell below the poverty line had fallen between 2013 and 2015. The multidimensional poverty rate had also fallen over the same period. The Ministry of Indigenous Peoples was responsible for drawing up a national policy on the indigenous peoples that would ensure greater continuity in public policymaking in the medium and long term. The Indigenous Peoples Act addressed the issue of access to the Indigenous Land and Water Fund.

38. **Ms. Fries Monleón** (Chile) said that, in 2016, draft regulations on the prison system had been completed and submitted to the Office of the Comptroller General for constitutional review. The regulations incorporated a gender and a human rights perspective and had been reinforced by the Government's response to the case of Lorenza Cayuhan, a pregnant Mapuche woman who had been shackled by a prison officer while giving birth. In the wake of that case, the rules governing the conduct of prison officers had also been strengthened. In addition, a dedicated unit for the promotion and protection of human rights had been established within the prison service to ensure the implementation of standards based on the Nelson Mandela Rules and the Bangkok Rules. Following the unit's establishment, some 300 officials had been made responsible for overseeing the application of regulations on the treatment of persons deprived of their liberty. For the past four years, more rigorous training had been provided to both serving prison officers and new recruits. The legislative and institutional mechanisms that had been established would enhance the protection afforded to persons deprived of their liberty and ensure the prevention of acts of torture and cruel, inhuman or degrading treatment.

39. **Ms. Narváez Ojeda** (Chile) said that an institutional framework that would afford better protection for the rights of lesbian, bisexual, transgender and intersex women was already in place and that the Government intended to conduct an assessment of the legislative changes that had been made with the aim of bringing domestic legislation into

line with the international agreements to which Chile was a party. An assessment of the work carried out by the Government, in conjunction with non-governmental organizations, to improve the visibility of, and the protection afforded to, the lesbian, bisexual, transgender and intersex community would also be conducted. The adoption of the law on gender identity, which would allow individuals to change their gender in official records, would establish an effective means by which to safeguard the rights of the transgender community.

40. **Ms. Halperin-Kaddari** said that she wished to know why the bill on raising the legal age of marriage to 18 years was failing to advance through the legislative process and whether the executive would consider using its powers of urgent procedure to speed up that process. She asked whether the bill would allow individuals to marry before the age of 18 if they received approval; whether such approval could be granted only by the judiciary or also by the parents of the individuals concerned; and what conditions would govern the granting of that approval.

41. Noting that the system of marital property regimes was rather complex, she asked whether and how young persons who planned to get married were informed about the three existing regimes and the potential consequences of each for couples who separated. In particular, she wished to know whether women were made aware that, under the full community property regime, which was the default choice, any property that either spouse brought to the marriage was considered to be community property in the event that the marriage ended.

42. She asked whether it remained the case that the power to administer marital property was given solely to the husband under all three property regimes and whether progress had been made towards adoption of the two bills intended to address that discriminatory situation. The Committee would also be interested to learn whether pension rights, severance payments and the earning potential of each spouse were taken into consideration when the property of a marriage was being distributed.

43. Noting that couples who did not wish to marry could enter into a civil union, and that steps were being taken to establish equal marriage for same-sex couples, she asked whether any protection was afforded to persons living in de facto unions that had no legal recognition.

44. She wondered whether couples who were separating were obliged to undergo mediation and, if so, whether that obligation applied to women subjected to domestic violence. Lastly, she wished to know whether the issue of domestic violence was taken into consideration by courts ruling on child custody matters.

45. **Ms. Muñoz Sánchez** (Chile) said that, under domestic legislation, women who had been subjected to domestic violence could not be obliged to undergo mediation with a violent partner.

46. Women who were in a weaker financial position than their spouses had the right to apply for financial compensation in the event that their marriage ended in divorce. Although the question of financial compensation frequently arose in unilateral divorces, such compensation was not granted automatically but only when a series of criteria had been fulfilled.

47. In accordance with legislation on the reserved assets of married women, women who married under the conjugal partnership regime were able to establish independent assets that they acquired through employment during a marriage. As women were afforded that benefit under the conjugal partnership regime, the question of its abolition was not straightforward. Under the other two marital property regimes, men and women had the right to retain their independent capacity to acquire assets and could receive compensation from the other spouse's assets in the event that the marriage was dissolved. In general, women tended to prefer to marry under the conjugal partnership regime as the other available regimes involved a separation of assets, which did not favour women who earned less than their spouses.

48. Current legislation on civil marriage allowed women and men to marry between the ages of 16 and 18 years provided that they had parental approval. Prior to that legislation's

adoption, girls of 12 years of age and over and boys of 14 years of age and over had been able to marry. The new legislation was thus considered a significant improvement on the legislation that it had replaced, which had dated from 1854. No plans were currently in place to raise the legal age of marriage to 18 years.

49. **Ms. Halperin-Kaddari**, noting that the State party's replies to the list of issues contained a reference to a bill on raising the minimum legal age of marriage to 18 years (CEDAW/C/CHL/Q/7/Add.1, para. 97), said that she would welcome further information on that bill. The Committee wished to point out that, under international norms, States were required to establish a minimum legal age of marriage of 18 years.

50. It was still not clear whether protection was afforded to couples living in de facto unions and what steps were taken to inform couples about the matrimonial property regimes available to them.

51. **Ms. Narváez Ojeda** (Chile), noting that Chile was governed by a presidential political system, said that the bill on the legal minimum age of marriage mentioned by the expert was an initiative of the legislative branch and not of the executive branch.

52. Jurisprudence had been established that recognized and governed de facto unions.

53. The Civil Registry and Identity Service was responsible for ensuring that couples planning to marry were given information on the various matrimonial property regimes and their potential consequences.

54. **Ms. Pascual Grau** (Chile) said that the delegation was grateful for having had the opportunity to hold a dialogue with such distinguished international experts. The members of the delegation were confident that they had demonstrated the extent to which the Government had made progress in protecting and upholding the human rights of all citizens. Although it was necessary to acknowledge that challenges still lay ahead, it was important to point out that significant advances in the protection of human rights had been made in recent years. Those advances have been made possible by the work of the State and of civil society, particularly feminist groups and women's organizations. The Government would assess the progress that had been made to date, consider the challenges highlighted by the Committee and strive to ensure that the profound changes that Chile had witnessed in recent years continued.

The meeting rose at 4.55 p.m.